

REMARKS

Following entry of the foregoing amendments, claims 23 to 38 will be pending in the application. Claim 31 has been amended, and new claims 36 to 38 have been added, herein. No claims have been canceled. Support for the amendments is found throughout the specification as originally filed. No new matter has been added.

Applicant respectfully requests reconsideration of the requirement for restriction in view of the following remarks.

Restriction Requirement

The Office action requires Applicant to restrict the claimed subject matter to one of four groups of inventions, characterized as Groups I to IV. The claims of each group, and the subject matter associated with each group, are set forth below.

| Group | Claims | Subject Matter |
|-------|----------|--|
| I | 23 | Methods of enhancing the circulating half-life of arginine deiminase comprising modifying the arginine deiminase by covalently bonding the arginine deiminase via a linking group to polyethylene glycol |
| II | 24 | Methods of enhancing the tumoricidal activity of arginine deiminase comprising modifying the arginine deiminase by covalently bonding the arginine deiminase via a linking group to polyethylene glycol |
| III | 25 to 34 | Methods of treating tumors in a patient comprising administering to the patient arginine deiminase covalently bonded via a linking group to polyethylene glycol |
| IV | 35 | Methods of treating and inhibiting metastases in a patient comprising administering to the patient arginine deiminase covalently bonded via a linking group to polyethylene glycol |

Applicant respectfully traverses the restriction requirement because a search and examination of the subject matter of all of the pending claims can be conducted without a serious burden.

The purpose of 35 U.S.C. § 121 is to avoid the necessity of conducting separate and diverse searches of claims directed to independent (unrelated) subject matter. Separate and diverse searches would not be required for the present application, however, because the relationship among the claimed subject matter is such that a search of the subject matter

encompassed by the claims of any of Groups I to IV would necessarily lead to disclosures, to the extent that any exist, of the subject matter encompassed by the claims of the remaining groups. For example, a comprehensive search of methods of treatment involving administering arginine deiminase covalently bonded via a linking group to polyethylene glycol – the subject matter of Groups III and IV – would necessarily lead to specific disclosures, to the extent that any exist, of methods involving modifying arginine deiminase by covalently bonding polyethylene glycol to the arginine deiminase via a linking group – characterized as Groups I and II.

Accordingly, a search and examination of the subject matter encompassed by the entirety of Groups I to IV would not impose a serious burden on the Examiner, and Applicants respectfully request withdrawal of the restriction requirement. M.P.E.P. § 803 (“If the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions.”) (emphasis added).

If the restriction requirement is not withdrawn, Applicant respectfully asks the Examiner to modify the restriction requirement by joining Groups I and II into a single group and joining Groups III and IV into a single group. The method steps recited in the claims of Groups I and II are identical, and the method steps recited in the independent claims of Groups III and IV are also identical. That is, the claims of Groups I and II differ only in their preambles, and the independent claims of Groups III and IV also differ only in their preambles. In addition, the subject matter of groups I and II has been classified by the Patent Office in the same class and subclass, as has the subject matter of Groups III and IV, evidencing a recognition in the art of a single subject of inventive effort for the subject matter of Groups I and II and of Groups III and IV.

With respect to Groups III and IV, claim 25, which is in Group III, recites methods of treating tumors in a patient, and claim 35, which is in Group IV, recites methods of treating and inhibiting metastases in a patient. As understood by those skilled in the art, a result of the treatment of tumors is the treatment and inhibition of metastases. Accordingly, at the very least, Applicant respectfully asks the Examiner to join Groups III and IV into a single group.

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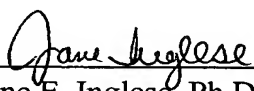
In accordance with 37 CFR § 1.143, Applicant hereby provisionally elects the subject matter of Group III for prosecution on the merits, directed to methods of treating tumors in a patient comprising administering to the patient arginine deiminase covalently bonded via a linking group to polyethylene glycol, and encompassing claims 25 to 34 and 36 to 38.

Conclusion

Applicant believes that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favorable Action is respectfully requested.

Respectfully submitted,

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